

permanently magnetically attracted material and an electromagnet should be the same. However, this is not the case.

The heart valve according to Pawlak is dependent on an electric circuit for the heart valve to function. The opening and closing of the heart valve needs to be controlled by the electric circuit. The opening and closing of the heart valve can not be dependent on force applied on the valve, since this force varies in accordance with pulse, effort, exertion, etc., of the patient using said heart valve. Therefore, the heart valve can not be controlled by a threshold value with respect to the applied force, since this would lead to catastrophic results. Thus, the electromagnet is an essential feature of the heart valve according to Pawlak.

On the contrary, a voice prosthesis can not be controlled by an electric circuit, since the user of the voice prosthesis naturally wants to have an influence on when to say something. Thus, the heart valve according to Pawlak is not capable of meeting the intended use of the voice prosthesis according to the present invention. This also shows that the person skilled in the art of heart valves not is the same person skilled in the art of voice prostheses. As a result, the skilled artisan of voice prostheses not would look into Pawlak, when trying to find a technical effect suitable for voice prostheses.

Furthermore, Pawlak clearly states, in column 7, lines 46 to 53, that the opening and closing of the heart valve is controlled by the input of current. Only "upon decrease of current at times a, b, or c, decay of the magnetic force allows a release of the disk occluder from the closed position thereby allowing it to open in response to the blood pressure". A voice prosthesis according to the present invention would be impossible to use if the opening of the voice prosthesis was controlled by a "decrease of current at

times a, b, or c". However, if the blood pressure does exceed the critical opening force, "the current to the valve will then be discontinued until pressure across the valve reverses and the valve is closed by back pressure" (column 7, lines 57 to 62). This is clearly incompatible with the voice prosthesis according to the present invention. A voice prosthesis according to the present invention is not in need of backpressure to close. Thus, the voice prosthesis according to the present invention will work continuously, since there is a continuous magnetic force forcing the voice prosthesis into a closing position, whereby the user will be able to speak whenever he/she wants to.

This difference between Pawlak and the present invention, i.e. a permanently magnetically attracted material instead of an electromagnet, provides the solution of voice control of a user, since the user of the voice prosthesis according to the present invention by him/her self can decide when to affect a force that will overcome the threshold value of resistance presented by the magnet and the magnetically attracted material, to thereby decide when to talk. However, even if the skilled artisan was to exchange the permanent magnet according to the present invention with an electromagnet, such an arrangement would suffer from the disadvantage of only working during electric supply. If the electric supply would be interrupted the voice prosthesis would be useless. This problem is solved by the present invention by using a permanent magnet.

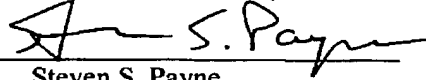
In view of the above, it is respectfully submitted that claim 10 is not anticipated by Pawlak. Furthermore, it is respectfully submitted that dependent claims 11-19 are also not anticipated by Pawlak for at least the reasons set forth above with respect to independent claim 10.

In view of the above, it is respectfully submitted that the application is now in condition for allowance. Prompt notice of same is earnestly solicited. If the Examiner believes that a telephone interview may expedite the prosecution of the Application, the Examiner is invited to contact the below attorney at the indicated telephone number.

Respectfully submitted,

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